

**BOARD OF APPEALS CASE NO. 4938**

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**BEFORE THE**

**APPLICANT: Lassen, Marine & Webster, Inc.**

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**ZONING HEARING EXAMINER**

**REQUEST: Variances to permit a non-conforming sign in the VR District;  
2707-09 Churchville Road, Churchville**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 6/23/99 & 6/30/99**

**HEARING DATE: October 27, 1999**

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**Record: 6/25/99 & 7/2/99**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant is Lassen, Marine & Webster, Inc. The Applicant is requesting a variance to Section 219-16(A) and 219-13(A)(1)(b) of the Harford County Code, to permit a sign to exceed 6 feet in height and be more than 4 square feet in size in a VR District.

The subject parcel is located at 2907-09 Churchville Road in the Third Election District. The parcel is identified as Parcel No. 366, in Grid 3-E, on Tax Map 42. The parcel contains 1.06 acres, more or less, all of which is zoned Village Residential.

Mr. Harry Webster appeared and testified that he is Vice President and part owner of Lassen, Marine & Webster, Inc., and that he is requesting a variance to replace an existing non-conforming sign. The Applicant said that the existing sign is approximately 25 feet high and contains a message area of approximately 25 square feet. The witness said the new sign would be 23 feet high and contain a message area of 71.5 square feet. Mr. Webster said that the existing non-conforming sign will be removed if the variance is approved. Mr. Webster said there are unique features which would justify approval of the variance. He said that new traffic patterns and controls have been installed, that the Lassen, Marine & Webster building sits back much further than some of the other buildings in the area, that the building grade is below the road grade, and that many of the other businesses in the area have more prominent signs.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

“The proposed sign, as depicted in the rendering submitted with this application (Attachment 8), shows that the sign is similar to those existing in the area. Therefore, the proposed sign, although larger than the existing sign, will not significantly impact adjacent properties.”

### **CONCLUSION:**

The Applicant is requesting a variance to replace an existing, non-conforming sign with a new sign 23 feet tall containing a message area of 71.5 square feet.

Section 219-16 (Non-Conforming Signs), provides:

- A. All signs or other advertising structures lawfully in existence upon the effective date of this chapter which do not conform to the requirements of this chapter shall constitute nonconforming signs. Nonconforming signs are permitted to exist, except that they may not be structurally altered or relocated unless there is compliance with the provisions of this chapter.

Section 219-13(A) (Signs Permitted by District), provides:

Residential districts and residential lots.

(1) Professional or home occupation signs.

- (b) Freestanding signs may be permitted as a special exception, subject to the approval of the Board, provided that they are located not less than ten feet from the road right-of-way, do not exceed six feet in height and do not have a sign area exceeding four square feet.

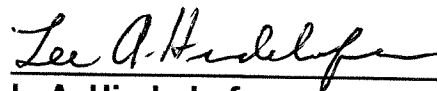
The uncontradicted testimony of the Applicant's witness was that unique features exist on the subject property in that new traffic patterns have been established in the area, the Applicant's building sits back further than other buildings in the area and is below the road grade. The witness also indicated that there are other businesses in the area which have more prominent signs.

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No evidence has been introduced to indicate that approval of the variance will impair the purpose and provisions of the Sign Code. Therefore, it is the recommendation of the Hearing Examiner that the requested variance to replace the existing non-conforming sign be approved, subject to the following conditions:

1. That the Applicant obtain all necessary permits and inspections for the sign.
2. That the height of the sign not exceed 23 feet and that the message area not exceed 71.5 square feet.

Date NOVEMBER 18, 1999



L. A. Hinderhofer  
Zoning Hearing Examiner